

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 25029 of 1999

Between:

P. Samba Siva Rao, S/o Raghavaiah,
Retired Branch Manager, Guntur Cooperative Central Bank,
Amaravathi Branch, Guntur Dist.

..... PETITIONER

AND

- 1 The Guntur District Cooperative Central Bank, rep. by its
General Manager, Guntur, Guntur Dist.
- 2 The District Cooperative Officer, Guntur, Guntur Dist.
- 3 The Divisional Cooperative Officer, Guntur, Guntur Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings issued by the 2nd respondent dt: 31-5-99 and 14-8-99 as illegal, arbitrary and violative of Article 14 & 21 of the Constitution of India and consequently direct the respondents to settle the retirement benefits of the petitioner forthwith.

Counsel for the Petitioner: MR.V.AJAYA KUMAR

Counsel for the Respondents 1,3 & 4:G.P. for Co-operation

Counsel for the Respondent No.2: MR.VENKATESWARLU POSANI

The Court made the following :

ORDER:

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Heard both sides and at their request, the main Writ Petition itself is taken up for disposal.

In the main Writ Petition, the petitioner seeks to assail the impugned orders dated 31.05.1999 and 14.08.1999, denying his retirement benefits mainly on the ground of enquiry under Section 51 of the Andhra Pradesh Co-operative Societies Act, 1964. Admittedly, the petitioner is retired. The question involved in this Writ Petition, according to the counsel appearing for both the sides, is squarely covered by judgment of this Court in *S.Krishna Murthy v. Govt. of A.P., rep. by its Secretary, Department of Co-operation, Hyderabad & others* as affirmed by the Apex Court, wherein it was held that once an employee retires from service, question of withdrawal of pensionary benefits does not arise.

Following the same, the Writ Petition is allowed directing the respondents to release the pensionary benefits to the petitioner. No costs.

(B.Prakash Rao, J.)

08.04.2005

DRK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice

On Friday the eighth day of April Two thousand and five.

... Registrar

Copy to:

- 1 The Guntur District Cooperative Central Bank, rep. by its General Manager, Guntur, Guntur Dist.
- 2 The District Cooperative Officer, Guntur, Guntur Dist.
- 3 The Divisional Cooperative Officer, Guntur, Guntur Dist.
- 4 Two CCs to the G.P. for Co-operation, High Court of A.P., High Court buildings, Hyderabad (o.u.t.)
- 5 Two CD copies.